

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
In Re: Greenville Technical Charter High)
School)
_____)

BEFORE THE SOUTH CAROLINA
STATE BOARD OF EDUCATION

FINAL ORDER

This matter is before the State Board of Education as an appeal from the decision of the Greenville County Board of Education denying the consideration of Greenville Technical College's Charter School application. A public hearing was held on May 13, 1998 in Columbia, South Carolina. Wade Cleveland, Esquire appeared on behalf of the Greenville County Board of Education and Dr. Tom Bartone, President of Greenville Technical College and Mr. Bob Crawford, Board Chair appeared on behalf of Greenville Technical Charter High School. Also present for the District were Dr. Rudolph Gordon, Superintendent, Mr. J. Coleman Shouse, Board Chair, Ms. Margaret Burch, Board Member, and Mr. Roger Meek, Board Member.

FACTS

On March 11, 1997, the District adopted a policy regarding charter school applications. The policy required "Persons seeking such approval [of a charter school application] must submit written applications to the district Superintendent no later than the March 1 immediately preceding the date on which they intend to open the charter school." (District's Exhibit J). The policy was adopted through a two step reading process and was made part of the District's policies.

On March 27, 1998, Greenville Technical College, by its President Thomas E. Barton, submitted an application from the Greenville Technical Charter High School for the 1998-1999 school year to Dr. Gordon and Chairman Shouse of the District.

On April 1, 1998, the Committee of the Whole of the Greenville County School District Board of Trustees voted to "decline consideration of the application from Greenville Tech for a Charter School because they failed to meet the application deadline." (District's Exhibit C). The Board of Trustees approved "the Committee of the Whole's recommendation to not consider the Greenville Tech application since the school did not meet the deadline." By letter dated April 16, 1998, Chairman Shouse notified Greenville Tech of the Board's action. Robert Crawford, representing Greenville Tech, wrote a letter to Chairman Shouse requesting the reasons for the denial. By letter dated April 21, 1998, Chairman Shouse more fully explained the reasons for not considering the application.

Greenville Tech filed an appeal with the State Board of Education on April 24, 1998.

ANALYSIS

Pursuant to S.C. Code Section 59-40-70 (A) "[t]he local school board may establish a schedule for receiving applications from charter schools" It is undisputed that the Local Board had an existing policy, which required charter school applications to be submitted by March 1 for the following school year. The deadline was clearly set forth in Greenville County School District Policy IEK(P).

It is well established that absence of knowledge of a law is not an excuse. (See, Labruch v. City of North Charleston, 268 S.C. 465, 234 S.E.2d 866 (1977) "Citizens are charged with knowledge of existing law. Accordingly, cognizance of city ordinances is presumed." [citation

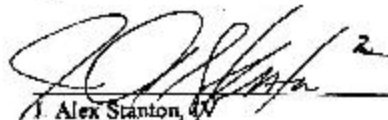
omitted];" 101A C.J.S. *Zoning* Section 341, "An absence of knowledge of a zoning ordinance . . . does not constitute a defense to the enforcement of the ordinance;" and 21 Am. Jur. 2d *Criminal Law* Section 142, "That ignorance or mistake of law will not excuse an act in violation of the criminal laws is a principle so universally accepted as to be axiomatic."). A school board policy is analogous to a local ordinance. Therefore pursuant to this well established rule of law, we find that Greenville Tech's alleged lack of knowledge of the District's policy YEX(P) does not relieve it of the policy's requirements.

CONCLUSION

The Local Board's decision to deny consideration of Greenville Tech's application because it was filed after the Local Board's deadline for filing applications is upheld. If Greenville Tech chooses to have this application considered for the 1999-2000 school year Greenville Tech shall notify the District, in writing, of such intention, and the District shall consider the application pursuant to its policy YEX(P) for the 1999-2000 school year. Greenville Tech shall also have the right to timely file another application with the District for future school years.

South Carolina State Board of Education

By:


J. Alex Stanton, *Chair*
Chair

Columbia, South Carolina
June 2, 1998